

Page 7

Application No. 09/801,428

Amendment D

**REMARKS**

In response to the Examiner's Amendment accompanying the Notice of Allowability mailed July 30, 2004 which canceled withdrawn claims 2 and 14, Applicants have added canceled claims 2 and 14 back as new claims 32 and 33. None of claims 1, 3-13 and 15-31 have been amended. As discussed with the Examiner on the telephone August 9, 2004, claims 2 and 14 were withdrawn in response to the election of species mailed August 21, 2002 and should have been entitled to consideration upon the allowance of the generic independent claims 1 and 11 upon which they depend. Thus, claims 32-33 are also in condition for allowance. No claims fees are due with this amendment. Furthermore, Applicants believe that the filing of this amendment should have no detrimental effect on any earned patent term adjustment. With this amendment, thirty-one (31) claims are pending in the application: Claims 1, 3-13 and 15-33. Consideration of allowable claims 1, 3-13 and 15-31 and new claims 32-33 is respectfully requested.

Applicants respectfully request a replacement Notice of Allowance that replaces the Notice of Allowance mailed July 30, 2004 and sets a new period for issue fee payment. Should there remain any outstanding issues, it is respectfully requested that the Examiner telephone the undersigned at (858) 552-1311 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,

Dated: August 9, 2004



Scott J. Menghini  
Reg. No. 42,880  
Attorney for Applicants  
(858) 552-1311

Address all correspondence to:  
FITCH, EVEN, TABIN & FLANNERY  
120 So. LaSalle Street, Ste. 1600  
Chicago, IL 60603